

No. 105
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, November 29, 2005.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—excused
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—excused
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—excused
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs —present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Pastor Emeritus Edward Kast of Peace Lutheran Church of Saginaw offered the following invocation:

Lord God, our Heavenly Father, in the wake of Thanksgiving, we are grateful that You not only created us, but also continue to guide us in our daily life and work. You didn't just fling us out into the universe and forget about us. No, You remained actively involved in the unfolding of history and in the unfolding of every day. You have not remained silent, but have spoken clearly to us through Moses, the Prophets, the Apostles, and pre-eminently through Jesus of Nazareth, the Son You anointed to be our Savior, whose birth we will soon celebrate.

I earnestly pray for the men and women in this assembly. On their shoulders rests the burden of governing our great state of Michigan in difficult times. Give them the humility to seek counsel outside of themselves and especially from above. Give them the wisdom to discern what is right and the courage to do it, even in the face of unfair criticism. Give them the desire to govern not only with intelligence, but also with integrity. We, the citizens of this state, wish to look up to our Senators as statesmen who place justice, truth, and the common good above personal or political gain. Place in their hearts and on their consciences the desire to hear You say to them, "Well done, my good and faithful servant."

In Jesus' name I ask it. Amen

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:07 a.m.

10:58 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Barcia, Allen, Stamas, Birkholz, Kuipers, Cassis, Hardiman, McManus, Johnson, Sikkema, Jelinek, Van Woerkom, Brown, Garcia, Cropsey, Basham, Toy, George and Bishop entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that Senator Gilbert be excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

The following communication was received and read:
Office of the Senate Majority Leader

November 14, 2005

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Nancy Robertson as State Librarian and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Ken Sikkema, Chairman
Senate Government Operations Committee

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

November 9, 2005

Enclosed is a copy of the following audit report:
Financial audit of the Commercial Mobile Radio Service Emergency Telephone Fund, Department of Treasury, for the period October 1, 2002 through September 30, 2004.

November 15, 2005

Enclosed is a copy of the following audit report:
Performance audit of Selected Educational Databases Maintained by the Center for Educational Performance and Information (CEPI), Department of Management and Budget.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

The following communications were received:
Department of Human Services

November 9, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal	Menominee County DHS	CP550201290

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

November 15, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Dickinson County DHS		CP220201095
Special Investigation	Bay Pines Center	2006C0102001	CS210200969

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Monday, November 14:
House Bill No. 4904

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, November 17, for her approval the following bills:

Enrolled Senate Bill No. 533 at 3:47 p.m.
Enrolled Senate Bill No. 664 at 3:49 p.m.
Enrolled Senate Bill No. 665 at 3:51 p.m.
Enrolled Senate Bill No. 666 at 3:53 p.m.
Enrolled Senate Bill No. 667 at 3:55 p.m.
Enrolled Senate Bill No. 633 at 3:57 p.m.
Enrolled Senate Bill No. 789 at 3:59 p.m.

Enrolled Senate Bill No. 790 at 4:01 p.m.
Enrolled Senate Bill No. 799 at 4:03 p.m.
Enrolled Senate Bill No. 308 at 4:05 p.m.
Enrolled Senate Bill No. 657 at 4:07 p.m.
Enrolled Senate Bill No. 298 at 4:09 p.m.
Enrolled Senate Bill No. 359 at 4:11 p.m.
Enrolled Senate Bill No. 521 at 4:13 p.m.

The Secretary announced that the following official bills were printed on Thursday, November 10, and are available at the legislative website:

Senate Bill Nos.	866	867	868	869	870	871	872	873	874	875	876	877	878	879
	880	881	882											
House Bill Nos.	5415	5416	5417	5418	5419									

The Secretary announced that the following official bills were printed on Monday, November 14, and are available at the legislative website:

Senate Bill Nos.	883	884	885	886	887	888	889							
House Bill Nos.	5420	5421	5422	5423	5424	5425	5426	5427	5428	5429	5430	5431	5432	5433
	5434													

Senator Schauer moved that Senators Brater and Clark-Coleman be excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Kuipers admittance to the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:00 a.m.

11:16 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senator Kuipers introduced Holland Christian High School Girls Varsity Tennis Team, 2005 State Champions, and Coach John Knoester.

Senator Birkholz, Coach Knoester, and team member Kaitlin Spoelhof responded briefly.

Messages from the Governor

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 272
Senate Bill No. 271
Senate Bill No. 264
Senate Bill No. 274
Senate Bill No. 281

The motion prevailed.

The following messages from the Governor were received:

Date: November 10, 2005
Time: 1:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 480 (Public Act No. 203), being

An act to amend 1984 PA 233, entitled “An act to authorize certain organizations to enter into prudent purchaser agreements with health care providers; to control health care costs, assure appropriate utilization of health care services, and maintain quality of health care; to provide for the regulation of certain organizations, health care providers, health care facilities, and prudent purchaser arrangements; to establish a joint legislative committee to investigate the degree of competition in the health care coverage market in this state; and to provide for the powers and duties of certain state officers and agencies,” by repealing section 10 (MCL 550.60).

(Filed with the Secretary of State on November 10, 2005, at 1:32 p.m.)

Date: November 10, 2005
Time: 4:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 74 (Public Act No. 205), being

An act to amend 2002 PA 712, entitled “An act to prescribe the Amber alert of Michigan as the official response to reports of child abductions,” (MCL 28.751 to 28.753) by amending the title and by adding section 4.

(Filed with the Secretary of State on November 14, 2005, at 1:08 p.m.)

Date: November 11, 2005
Time: 10:39 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 708 (Public Act No. 206), being

An act to amend 2004 PA 241, entitled “An act to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies,” by amending section 3 (MCL 752.1063).

(Filed with the Secretary of State on November 14, 2005, at 1:10 p.m.)

Date: November 11, 2005
Time: 10:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 134 (Public Act No. 207), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 139.

(Filed with the Secretary of State on November 14, 2005, at 1:12 p.m.)

Date: November 17, 2005

Time: 10:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 365 (Public Act No. 209), being

An act to amend 1968 PA 173, entitled “An act naming certain state buildings,” by amending section 1 (MCL 19.131), as amended by 1999 PA 11.

(Filed with the Secretary of State on November 17, 2005, at 11:08 a.m.)

Date: November 21, 2005

Time: 8:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 298 (Public Act No. 212), being

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1062 (MCL 450.2062), as amended by 1997 PA 118.

(Filed with the Secretary of State on November 21, 2005, at 9:24 a.m.)

Date: November 21, 2005

Time: 8:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 359 (Public Act No. 213), being

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts,” (MCL 125.2001 to 125.2093) by adding section 88p.

(Filed with the Secretary of State on November 21, 2005, at 9:26 a.m.)

Date: November 21, 2005

Time: 8:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 521 (Public Act No. 214), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

(Filed with the Secretary of State on November 21, 2005, at 9:28 a.m.)

Date: November 21, 2005

Time: 8:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 533 (Public Act No. 215), being

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and

succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts," (MCL 125.2001 to 125.2093) by adding sections 88k, 88l, 88m, 88n, and 88o.

(Filed with the Secretary of State on November 21, 2005, at 9:30 a.m.)

Date: November 21, 2005

Time: 8:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 633 (Public Act No. 216), being

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

(Filed with the Secretary of State on November 21, 2005, at 9:32 a.m.)

Does not take effect because tie-barred bill was not enacted into law.

Date: November 21, 2005

Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 664 (Public Act No. 217), being

An act to amend 1972 PA 284, entitled "An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts," by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

(Filed with the Secretary of State on November 21, 2005, at 9:34 a.m.)

Date: November 21, 2005

Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 665 (Public Act No. 218), being

An act to amend 1993 PA 23, entitled "An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies," by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

(Filed with the Secretary of State on November 21, 2005, at 9:36 a.m.)

Date: November 21, 2005

Time: 8:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 666 (Public Act No. 219), being

An act to amend 1982 PA 162, entitled "An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties

on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts," by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

(Filed with the Secretary of State on November 21, 2005, at 9:38 a.m.)

Date: November 21, 2005

Time: 8:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 667 (Public Act No. 220), being

An act to amend 1982 PA 213, entitled "An act to authorize the formation of limited partnerships; to define the rights and liabilities of the partners, the relation of partners to each other, and to persons dealing with limited partnerships; to provide for the dissolution and winding up of limited partnerships; to provide for registration of foreign limited partnerships; to provide certain causes of action; to impose certain duties on certain state departments; to make uniform the law relating to limited partnerships; and to repeal certain acts and parts of acts," by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

(Filed with the Secretary of State on November 21, 2005, at 9:40 a.m.)

Date: November 21, 2005

Time: 9:28 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 747 (Public Act No. 243), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

(Filed with the Secretary of State on November 22, 2005, at 1:18 p.m.)

Date: November 21, 2005

Time: 9:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 193 (Public Act No. 237), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

(Filed with the Secretary of State on November 22, 2005, at 11:12 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

November 15, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 3 of 1939 PA 176, MCL 423.3:

Employment Relations Commission

Mr. Eugene Lumberg, a Republican, of 4648 Maura Lane, West Bloomfield, Michigan 48323, county of Oakland, succeeding Harry Bishop, whose term has expired, appointed for a term commencing November 15, 2005 and expiring June 30, 2008.

November 17, 2005

Pursuant to Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, please be advised of the following appointments and reappointments to office:

Controlled Substances Advisory Commission

Mr. Bradley E. Meisling of 5660 Swallow, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding William Renfrew, whose term has expired, representing the general public, for a term commencing November 17, 2005 and expiring August 30, 2007.

Mr. Scott A. Monteith, M.D., of 526 West 14th Street, Suite 186, Traverse City, Michigan 49684, county of Grand Traverse, succeeding Holly A. Perkins, whose term has expired, representing licensed health care professionals from the field of psychiatry, for a term commencing November 17, 2005 and expiring August 30, 2007.

Ms. Tara Long Scott, DPM, of 26464 Senator Boulevard, Southfield, Michigan 48034, county of Oakland, succeeding Terrence J. Emiley, whose term has expired, representing the Michigan Board of Podiatric Medicine and Surgery, for a term commencing November 17, 2005 and expiring August 30, 2007.

Mr. Douglas P. Vanator, D.O., of 623 Shipherd Street, P.O. Box 398, Olivet, Michigan 49076, county of Eaton, succeeding Richard E. Griffin, whose term has expired, representing the Michigan Board of Osteopathic Medicine and Surgery, for a term commencing November 17, 2005 and expiring August 30, 2007.

Mr. Howard S. Wolpin of 26825 Scenic Drive, Franklin, Michigan 48025, county of Oakland, succeeding James Collins, Ph.D., whose term has expired, representing the general public, for a term commencing November 17, 2005 and expiring August 30, 2007.

Mr. Charles L. Blanchard of 5718 Wood Valley Drive, Haslett, Michigan 48840, county of Ingham, reappointed to represent pharmaceutical manufacturers, for a term expiring August 30, 2007.

Ms. Margherita P. Clark, R.N., M.S.N., of 3637 South Francis Road, St. Johns, Michigan 48879, county of Clinton, reappointed to represent the Michigan Board of Nursing, for a term expiring August 30, 2007.

Ms. Suhair Farida, R.Ph., of 7053 Timberview Trail, West Bloomfield, Michigan 48322, county of Oakland, reappointed to represent the Michigan Board of Pharmacy, for a term expiring August 30, 2007.

Mr. James D. Grant, M.D., of 1574 Sodon Lake Drive, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent the Michigan Board of Medicine, for a term expiring August 30, 2007.

Ms. Rhonda J. Hennessy, D.D.S., of 39488 Village Run Drive, Northville, Michigan 48167, county of Wayne, reappointed to represent the Michigan Board of Dentistry, for a term expiring August 30, 2007.

Mr. Howard S. Wolpin of 26825 Scenic Drive, Franklin, Michigan 48025, county of Oakland, is also designated to serve as Chairperson of the Controlled Substances Advisory Commission, to serve as Chairperson for a term commencing November 17, 2005 and expiring August 30, 2007.

November 18, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1968 PA 191, MCL 123.1002:

State Boundary Commission

Ms. Ruth Ann Jamnick of 7776 Lake Crest Drive, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Jeffrey Ishbia, whose term has expired, appointed as a state member, for a term commencing November 18, 2005 and expiring November 16, 2008.

November 22, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 2 of 1978 PA 260, MCL 393.352:

Commission for the Blind

Ms. Geraldine G. Taeckens of 1131 East Spruce, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding Robert Adler, whose term has expired, representing the general public, for a term commencing November 22, 2005 and expiring September 30, 2008.

Mr. Jerome (J.J.) Jackson of 1829 West Grand River Avenue, Apt. I-8, Okemos, Michigan 48864, county of Ingham, reappointed to represent blind persons, for a term expiring September 30, 2008.

November 22, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments to office under Section 3 of the Carnival-Amusement Safety Act of 1966, 1966 PA 225, MCL 408.653:

Carnival-Amusement Safety Board

Mr. Martin J. Heppler of 8666 East D Avenue, Richland, Michigan 49083, county of Kalamazoo, succeeding Robert Rasmussen, whose term has expired, representing carnival ride operators, for a term commencing November 22, 2005 and expiring July 10, 2009.

Ms. Carrie E. Jones of 619 Charles, East Lansing, Michigan 48823, county of Ingham, succeeding C. Daniel Piercecchi, whose term has expired, representing the general public, for a term commencing November 22, 2005 and expiring July 10, 2008.

Mr. Douglas S. Schmidt of 8757 North Saunders Road, Sterling, Michigan 48659, county of Bay, succeeding Susan Wells, whose term has expired, representing amusement park operators, for a term commencing November 22, 2005 and expiring July 10, 2008.

November 22, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Sections 302 and 2603 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2603:

Board of Real Estate Appraisers

Mr. Andrew B. Chamberlain of 2559 Hounds Chase, Troy, Michigan 48098, county of Oakland, succeeding David Maturen, whose term has expired, representing certified general real estate appraisers, for a term commencing November 22, 2005 and expiring June 30, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

November 22, 2005

Due to a typographical error on the November 22, 2005 letter filed earlier today with your office pursuant to Section 3 of the Carnival-Amusement Safety Act of 1966, 1966 PA 225, MCL 408.653, please be advised of the following correction:

Carnival-Amusement Safety Board

Mr. Martin J. Heppler of 8666 East D Avenue, Richland, Michigan 49083, county of Kalamazoo, succeeding **Edward R. Masters**, whose term has expired, representing carnival ride operators, for a term commencing November 22, 2005 and expiring July 10, 2009.

Ms. Carrie E. Jones of 619 Charles, East Lansing, Michigan 48823, county of Ingham, succeeding C. Daniel Piercecchi, whose term has expired, representing the general public, for a term commencing November 22, 2005 and expiring July 10, 2008.

Mr. Douglas S. Schmidt of 8757 North Saunders Road, Sterling, Michigan 48659, county of Bay, succeeding Susan Wells, whose term has expired, representing amusement park operators, for a term commencing November 22, 2005 and expiring July 10, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

**ECONOMIC DEVELOPMENT; TAX INCENTIVES FOR
DISTRIBUTION AND WAREHOUSING FACILITIES**

November 17, 2005

Today I return Enrolled Senate Bill 175 with my objections, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

Proponents assert that Senate Bill 175 would authorize tax abatements needed to address competitive disadvantages faced by Michigan communities near the Indiana border seeking to attract commercial warehousing and distribution centers. However, the provisions of the bill go well beyond that stated purpose. A tax abatement can be an appropriate tool when targeted to foster the activity sought and if other options are not effective. Unfortunately, the tax abatements for businesses that would be authorized under Senate Bill 175 fail that test.

As Governor I have not hesitated to support tax credits, exemptions, and abatements focused on providing incentives for the creation and retention of good paying jobs that give the residents of this state a fair opportunity to prosper. Just within the last two months I have approved Public Acts 118 and 185 of 2005—new laws offering targeted and aggressive assistance for providers of high quality jobs.

Senate Bill 175, in marked contrast, through the use undefined terminology and an overbroad application of abatements, represents an unfocused and fiscally undisciplined approach. Additionally, no immediate tax benefits would be provided under the bill as votes in the Michigan Senate were not sufficient to grant immediate effect.

While I support targeted incentives squarely aimed at addressing a competitive disadvantage faced by Michigan businesses, I cannot approve Enrolled Senate Bill 175. Prior to presentation of this bill, Senate leadership had indicated its willingness to pass a better version of Senate Bill 175 that was specific, targeted, and endorsed by local officials. The Legislature balked. Pass a new bill consistent with the earlier and better version of Senate Bill 175 and I will sign the bill.

Respectfully,
Jennifer M. Granholm
Governor

The bill was returned from the Governor on November 17, 2005, at 11:52 a.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

Messages from the House

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

Senate Bill No. 648

The motion prevailed.

Senate Bill No. 298, entitled

A bill to amend 1972 PA 284, entitled "An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts," by amending section 1062 (MCL 450.2062), as amended by 1997 PA 118.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-3).

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on November 14, 2005.

Senate Bill No. 359, entitled

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts," (MCL 125.2001 to 125.2093) by adding section 88p.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-3) and agreed to the title as amended.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on November 14, 2005.

Senate Bill No. 521, entitled

A bill to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1).

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on November 14, 2005.

Senate Bill No. 654, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 5, by striking out all of line 5.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4777, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922 (MCL 600.2922), as amended by 2000 PA 56.

House Bill No. 5332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2024b.

Senate Bill No. 795, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2885.

House Bill No. 5046, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20927 (MCL 333.20927), as added by 1990 PA 179.

House Bill No. 4706, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 916 (MCL 436.1916).

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4027, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2005 PA 118 and section 7 as amended by 1996 PA 513.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4597, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4598, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4599, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 7, by striking out "**INCLUDING, BUT NOT LIMITED TO**" and inserting "**WHICH MAY BE, UNLESS OTHERWISE EXPRESSLY PROHIBITED BY LAW**".

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4186, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5067, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending the title and section 105 (MCL 436.1105) and by adding section 914.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5026, entitled

A bill to regulate warranties on motor vehicle protection products; to provide for the powers and duties of certain state officers and entities; and to prescribe civil sanctions.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 85

The resolution consent calendar was adopted.

Senator Johnson offered the following resolution:

Senate Resolution No. 85.

A resolution memorializing the life of Bertha A. Daubendiek.

Whereas, It is with deep respect and sorrow that we offer this resolution as a memorial honoring the extraordinary accomplishments and life of a true pioneer in land preservation, Bertha A. Daubendiek. With her tragic passing, the state of Michigan has lost a lifelong champion of the environment; a courageous and selfless activist; and a dynamic role model whose legacy will never be forgotten. To her two brothers, Gene and Joe, as well as her sister Ruth and numerous nieces and nephews, we offer this expression of our respect and admiration for the gifts she shared with the people of our state; and

Whereas, Bertha A. Daubendiek was born in Arthur, Montana, on January 31, 1916. Bertha grew up on a Montana homestead and farm in Iowa until the fifth grade. After graduating from Grinnell College in Iowa, with the honor of Phi Beta Kappa in 1936, she moved to Michigan. It was here where Bertha dedicated her talents, charisma, and tenacity to protecting and preserving Michigan's natural treasures, and as a result of years of hard work, has forever etched a mark in our state's great history; and

Whereas, In 1952, Bertha co-founded the nonprofit, Michigan Nature Association (MNA), the state's oldest land preservation organization. Under Bertha's vision and leadership, the MNA has evolved into one of the most effective and impressive nature groups in the state, protecting more than 8,000 acres of land in 162 nature sanctuaries across Michigan; and

Whereas, Bertha has been bestowed with a plethora of honors for her years of selfless service, including Outstanding Michigan Volunteer of the Year, 1974, by Governor Milliken; honored as Michiganiaan of the Year, 1979, by *The Detroit News*; and received an honorary Doctor of Science in 1987 from Adrian College. She is listed in *Who's Who of American Women*. Perhaps her most distinguished honor of all, in 1994, Bertha was inducted into the Women's Hall of Fame in the Achievement of Environment; now, therefore, be it

Resolved by the Senate, That we offer words of praise and gratitude as a memorial honoring the life and spirit of Bertha A. Daubendiek. Her unapologetic dedication to preserving Michigan's landscape and countless environmental accomplishments shall serve as a constant reminder of how indebted our great state is to this fearless leader, activist, and heroine; and be it further

Resolved, That copies of this resolution be transmitted to the Daubendiek family as well as the Michigan Nature Association as a reflection of our condolences.

Senate Resolution No. 84.

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

The question being on the adoption of the following committee substitute:

Substitute (S-3).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senate Concurrent Resolution No. 34.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

The question being on the adoption of the following committee substitute:

Substitute (S-3).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Introduction and Referral of Bills

Senators Jelinek, Goschka, Van Woerkom, Gilbert, Brown, Hardiman, McManus, Allen, Kuipers, Birkholz, Patterson, Cropsey, Sanborn, George, Toy, Garcia, Stamas, Johnson, Hammerstrom, Bishop, Barcia, Switalski and Olshove introduced

Senate Bill No. 900, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8c (MCL 125.2688c), as amended by 2003 PA 93.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senator Brown introduced

Senate Bill No. 901, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2004 PA 396.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senators Stamas, Gilbert, Kuipers, Jelinek, Allen, Garcia, Brown, Sanborn and Goschka introduced

Senate Bill No. 902, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682c.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Stamas, Gilbert, Kuipers, Jelinek, Allen, Garcia, Brown, Sanborn and Goschka introduced

Senate Bill No. 903, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027a.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Kuipers, Stamas, Gilbert, Jelinek, Allen, Garcia, Brown, Sanborn and Goschka introduced

Senate Bill No. 904, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 5b to chapter VII.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Gilbert, Stamas, Kuipers, Jelinek, Allen, Garcia, Brown, Sanborn and Goschka introduced

Senate Bill No. 905, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2170.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senator Garcia introduced

Senate Bill No. 906, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred," (MCL 17.1 to 17.3) by adding section 2b.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4904, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3109a (MCL 500.3109a).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Statements

Senators Scott, Johnson, Jacobs, Basham, Garcia, Barcia and Brown asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I trust that all of us had a great Thanksgiving holiday, and we honored for the first time Sojourner Truth, whom we celebrated on Saturday, November 26.

Well, I have a couple of insurance hits from my website that I'd like to share with my colleagues. This is an ongoing process. I hope that my colleagues will soon know that we have to take up these bills because I am receiving these e-mails from all over the state that insurance is not affordable to a lot of people, and especially those in Detroit and the inner cities.

My first one says, "I'm a single parent with three young adult females. The amount of insurance is so high that I cannot afford my personal auto insurance, not even considering insurance for the three intelligent college students to have their own vehicles that will enable them to work and attend college and church. This practice is unfair and a hindrance to the advancement of encouraging and raising competent youth of our future. The company should stop halting, discouraging, and smashing the dreams of our responsible future citizens." This one comes from Detroit.

The next one: "I am a woman of 50-plus years and I feel that there is absolutely no reason that I should be paying such astronomical rates at this age, especially while having maintained an excellent driving record over the past 30-plus years. Unfair and immoral practices should not be tolerated in the 21st century." It also comes from Detroit.

Senator Johnson's statement is as follows:

This is a resolution memorializing the life of Bertha A. Daubendiek.

"Whereas, it is with deep respect and sorrow that we offer this resolution as a memorial honoring the extraordinary accomplishments and life of a true pioneer in land preservation, Bertha A. Daubendiek. With her tragic passing, the state of Michigan has lost a lifelong companion and friend of the environment; a courageous and selfless activist; and a dynamic role model whose legacy will never be forgotten. To her two brothers, Gene and Joe, as well as her sister Ruth and numerous nieces and nephews, we offer this expression of our respect and admiration for the gifts that she shared with the people of our state; and

Whereas, Bertha A. Daubendiek was born in Arthur, Montana, on January 31, 1916. Bertha grew up on a Montana homestead and farm later in Iowa until the fifth grade. After graduating from Grinnell College in Iowa, with the honor of Phi Beta Kappa in 1936"—and let's all remember, 1936 for a woman, that was a pretty huge achievement—"she moved to Michigan. It was here where Bertha dedicated her talents, charisma, and tenacity to protecting and preserving Michigan's natural treasures, and as a result of years of hard work, has forever etched a mark in our state's great history; and

Whereas, In 1952, Bertha co-founded the nonprofit, Michigan Nature Association (MNA), which is the state's oldest land preservation organization. Under Bertha's vision and leadership, the MNA has evolved into one of the most effective and impressive nature groups in the state, protecting more than 8,000 acres of land in 162 nature sanctuaries across Michigan; and

Whereas, Bertha has been bestowed with a plethora of honors for her years of selfless service, including Outstanding Michigan Volunteer of the Year in 1974 by Governor Bill Milliken; honored as Michiganiaan of the Year, 1979 by *The Detroit News*; she received an honorary Doctor of Science degree in 1987 from Adrian College, and She was listed in Who's Who of American Women. Perhaps her most distinguished honor of all, in 1994, Bertha was inducted into the Women's Hall of Fame for the Achievement that she accomplished protecting our environment; now, therefore, be it

Resolved by the Senate, That"—the state of Michigan—"we offer words of praise and gratitude as a memorial honoring the life and spirit of Bertha A. Daubendiek. Her unapologetic dedication to preserving Michigan's landscape and countless environmental accomplishments shall serve as a constant reminder of how indebted our great state is to this fearless leader, activist, and heroine"—to many; and be it further

Resolved That copies of this resolution be transmitted to the Daubendiek family as well as to the Michigan Nature Association as a reflection of our"—the state's—"condolences for her loss."

A moment of silence was observed in memory of conservation activist Bertha A. Daubendiek.

Senator Jacobs' statement is as follows:

Senator Stamas and I rise today with sadness in our hearts, for Michigan has lost another brave son.

On Monday, November 21, John Wilson Dearing of Hazel Park was killed in Iraq when his Humvee drove over a land mine. Dearing, a National Guard E-4 specialist, was the Humvee gunner and was manning his machine gun atop

the vehicle when it exploded, killing him instantly. Dearing was 21.

John Dearing, or "J.W." as he was known to family and friends, was raised in Oscoda and moved to Hazel Park last year. His unit, the 125th Infantry, was based in Saginaw. He was deployed to Iraq just weeks after his marriage on June 11. His widow, Amanda, is 19.

Dearing was a patriot in the truest sense of the word. He signed up for his National Guard duty while a junior in high school. Upon completion of basic training, he had snapshots taken with each family member. Prominent in every photo was the American flag. Dearing volunteered for service in Iraq after returning from duty in Egypt. He had numerous tattoos with patriotic themes, including a large piece on his back called the Soldier's Prayer.

In the words of American clergyman Edwin Chapin Hubbel, "No more duty can be urged upon those who are entering the great theater of life than simple loyalty to their best convictions." To the end, John W. Dearing remained loyal to his best convictions.

Dearing is the 70th Michigan soldier to die in Operation Iraqi Freedom and the first Iraqi war casualty from Hazel Park. I ask my Senate colleagues to join me in a moment of silence for John Wilson Dearing and the other 2,107 American service men and women in uniform who have given their lives in this conflict.

A moment of silence was observed in memory of National Guard E-4 Specialist John Wilson Dearing and other fallen American military personnel.

Senator Basham's statement is as follows:

The holiday season truly is upon us. For many of us, the holidays mean family, faith, and gift-giving. But for hundreds of thousands of Michigan's poor working families, holidays also represent financial hardship. Low-income workers struggle to provide a proper Christmas for their families.

Forty percent of minimum wage workers are the sole breadwinners in Michigan. What type of quality of life can a single parent provide for his or her family earning a minimum wage of \$10,700 annually? Low-income workers should not be forced to choose between heating the family home or putting gifts under the family tree. Financial realities often dictate otherwise.

In March of this year, I introduced legislation in this chamber to raise the minimum wage from \$5.15 an hour to \$7.15 an hour, phased in two years. It's been more than eight years since there has been a raise in the minimum wage in the state. Every day we delay raising the minimum wage, working families pay the price as the rising cost of living erodes the value of their family paycheck.

Despite overwhelming public support, our efforts to raise the minimum wage continue to be thwarted by partisanship and scare tactics. Legislation to raise the minimum wage remains locked in committee with no hearing scheduled and no promise for a vote.

As we count our own blessings this holiday season, let's remember the nearly half a million Michigan residents who want nothing more than a fair wage and an opportunity to share in the prosperity of our state and our nation.

Senator Garcia's statement is as follows:

Earlier this year, we embarked on a new proposal to re-look at how we figure the budget. What we wanted to do was measure its effectiveness in terms of the money that we spent. What I want to do in just a moment is read pieces from a couple of letters from students from the Michigan Youth Challenge Academy, which this body and this Legislature has supported. It is something that from time to time has been threatened. The funding has been threatened due to our budget situation, but I just want this body to know that some of the money that we are—well, I imagine most of it, if not all of it, is going to some good things. I just wanted to share some good news.

"Thank you for supporting the MYCA (Michigan Youth Challenge Academy). I am a cadet here learning things I thought I would never know. I have learned to march and increased my knowledge in respecting my elders and others, thanks to this program.

Before I came here, I was really acting up, doing things I should not have done. I was supposed to come here last cycle, but I had gotten into trouble with the law and was charged with a crime I did not commit (assault with intent to commit murder), but thankfully, the prosecutors found and saw that they did not have the right man. That's when I decided that I needed to come here to the MYCA to change my life. I now have A's and B's. I am currently applying for a scholarship and I will be attending Lansing Community College to achieve my Associates degree in Management.

Again, thank you for supporting the MYCA. I know that following through with this program, I can become a legal, productive, valuable citizen and I know that I am ready to live my life as honestly as possible." Signed Cadet Felix Campos.

Another letter says, "Before I came here, I didn't have much pride or respect for myself. I guess I just didn't believe in myself or my future. Being here has made me decide to join the United States Marine Corps and do something with my life. Once again, I want to thank you for the support of this program. It is very helpful and hopefully the program will continue."

Another letter: "It is the best thing that has ever happened to me. Before I came to the Academy, I was smoking,

stealing, selling drugs, and skipping school. I feel that if I would not have come to the Academy, I would be dead or in jail, doing something I would probably not want to do. This academy has helped me look at things/life in a different way. I give the thanks of my training to the Academy and you for funding the Academy.”

One more letter: “This program has dramatically changed me for the better. If I did not choose the path of the MYCA, I would probably be in jail, or if not, I would not be as successful as I know I am going to be.”

I just shared these letters with the body because, so many times, we vote on programs and we hope they do good things, and unfortunately, we are not able to always look at each and every program. But I thought the body would—especially that Thanksgiving has now passed by—like to have heard these letters from young men who have turned their lives around from a program that this body has funded, despite the pressures that this state has felt, and I just wanted to pass this along to my colleagues and hope that they will take some comfort in that.

Senator Barcia’s statement is as follows:

Today, I rise with a heavy heart to honor one of our brave soldiers, Master Sergeant Andrew “Andy” Yost. Master Sergeant Yost was killed in Mosul, Iraq, on November 19, 2005, when an explosive device detonated near his position. Master Sergeant Yost was serving with the U.S. Army’s 3rd Battalion, Special Forces Group. A graduate of Millington High School in Tuscola County in 1984, Master Sergeant Yost had no question as to what his calling in life would be. His goal was to serve his country in the military and serve he did.

After a short one-year stint in the U.S. Air Force, Master Sergeant Yost joined the Army, where he excelled. He exemplified the very best by becoming a Green Beret and serving in Bosnia, Korea, Italy, Germany, Pakistan, and Iraq. His achievements were many, Mr. President, speaking six languages and awarded several military honors during his tenure as a soldier.

In this very trying and difficult time, our thoughts and prayers go out to his family. Although no words can abate the grief they must feel from such an overwhelming loss, we do hope our eternal gratitude and admiration of Sergeant Andy Yost’s service and sacrifice will provide them some comfort as they lay to rest this fallen hero.

A moment of silence was observed in memory of Army Master Sergeant Andrew “Andy” Yost.

Senator Brown’s statement is as follows:

Today, the Michigan Senate considered a bill on General Orders that was amended to allow the village of Constantine in St. Joseph County to offer a tax abatement to a large-scale commercial distribution warehouse. This amendment, Mr. President, was necessary, as I indicated earlier, because our Governor vetoed legislation over the Thanksgiving break that would have given villages, cities, and townships all over Michigan the ability to offer such an abatement to retain or attract quality jobs during these difficult economic times.

Coupled with her veto of the tax relief proposal for businesses, the Governor’s actions send the wrong message, especially at a time when our unemployment is well above the national average and our rate of economic growth ranks dead last among the 50 states.

Job providers are watching, and what they see, Mr. President, is Indiana, Ohio, and Illinois, all in the Great Lakes Basin, rolling out the red carpet to attract everything from distribution centers to a reorganized Delphi. And at the same time, they see Michigan, by virtue of the action of our Governor, seemingly striking down bill after bill intended to welcome them.

Is it any wonder, Mr. President, that Performance Foods chose to locate its 400,000-square foot Midwest distribution center in Indiana rather than Michigan? Is it any wonder that the rate of economic growth in our neighboring states far outpaces that of our own? Is it any wonder Indiana—not Michigan—is out-ranking Michigan for manufacturing workers. There is no leadership shown in this decision.

How bad must things get in this state before our Governor will support something as simple as giving local units of government the right to offer tax abatements to attract high-quality jobs to their communities? How bad, Mr. President, must things get before the Governor will support tax relief for the businesses struggling to survive in our state? Is the Governor waiting for our rate of economic growth to fall any lower? It can’t. We are already at the bottom.

The Governor’s vetoes mean we are forced to put yet another tiny Band-Aid on the massive gaping wound that is our hemorrhaging Michigan economy. Instead of being proactive, pre-emptive—call it what you will—and offering all of our local governments a way to balance the playing field with their competitors, only Constantine will benefit by what we had to do today. This leaves us, Mr. President, with no game plan for tomorrow, no game plan for Three Rivers, for Kalamazoo, Ann Arbor, Flint, or Detroit, who find themselves competing for a distribution warehouse phone center or logistical center.

Our predecessors who met in this chamber back in 1974 passed PA 198, offering local governments the opportunity to have an economic development tool in their toolbox. They never said it would be available to just one or two communities. Their intent was that it would be an equal opportunity employment option for local government—something that local governments could choose to freely offer. We would have been allowed the same opportunity for commercial warehouses with Senate Bill No. 175, but for the Governor’s veto.

I think the *Sturgis Journal* said it best over the holiday. On the banner head of the paper during the Thanksgiving

break, the headline was “Sturgis Foundry Closes,” and then on the right was the notice about the Governor’s veto. The contrast is striking—it’s unfortunate. There is no leadership, Mr. President, shown in the Governor’s veto, and we are diminished in our efforts to grow Michigan’s economy by the Governor’s action.

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, December 1, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

History, Arts, and Libraries - Wednesday, November 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

Judiciary and Corrections - Wednesday, December 7, 9:00 a.m., Room 402, Capitol Building (373-3760)

Economic Development, Small Business and Regulatory Reform - Wednesday, November 30, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Wednesday, November 30, 3:00 p.m., Room 110, Farnum Building (373-6920)

Finance - Wednesday, November 30, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, November 30, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Senior Citizens and Veterans Affairs - Wednesday, November 30, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation - Wednesday, November 30, 9:00 a.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:18 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, November 30, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

